IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1734 OF 1991

M/s. Tradechem Corporation .. Plaintiffs

Vs.

M/s. G.Z. Pharmaceuticals .. Defendants

J.H. Shah i/b

J.M. Shah for Plaintiffs.

None for Defendants.

CORAM: S.K. SHAH, J.

DATE : 20th April, 2006.

P.C.

1. This is undefended suit. This suit is filed for an amount of Rs. 2,82,182/- alongwith interest on principal amount of Rs. 1,80,250/- at the rate of 20% per annum.

2. The Plaintiff is a partnership firm. The defendants are also a partnership firm. Plaintiff had sold and delivered to the defendants pharmaceutical goods as per Plaintiffs' invoice No. 356-A dated 7/12/1987 for Rs. 65,250/-. It is further the case of the plaintiff that thereafter the plaintiff paid to the defendants a sum of Rs. 25,000/- by cheque dated 24/12/1987, Rs. 25,000/- by cheque dated 9/1/1988, Rs. 32,500/- by cheque dated 25/1/1988 and Rs. 32,500/- by cheque dated 30/1/1988, totalling to Rs. 1,15,000/-. The amount due and payable by the defendants was Rs. 1,80,250/-. The Plaintiffs had demanded that amount from the defendants. Therefore the plaintiffs have filed the suit for recovery of the amount with

interest on the principal sum.

3. The Plaintiffs have produced the counter foil of the cheques, copy of the invoice No. 356-A and the statement of account showing said amount of Rs. 1,80,250/- due and payable by the defendants to the plaintiffs. The plaintiffs have also produced the extract of the defendants' account in their books of account. These documents prove that a sum of Rs. 1,80,250/- is the principal amount due and payable with interest totalling to Rs. 2,82,182/-. Hence the plaintiffs' suit be decreed.
4. The defendants shall pay to the plaintiffs Rs. 2,82,182/- with interest on the principal sum of Rs. 1,80,250/- at the rate of 12% per annum from the date of the suit till realisation of the full amount.
5. The Defendants shall also pay the costs of the suit. The decree be drawn accordingly.

(S. K. SHAH, J)